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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,968	09/26/2001	Zhenyu Gao	USP1664A-ZYG	5187

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,968

Applicant(s)

GAO, ZHENYU

Examiner

Michael Pyzocha

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-28 is/are pending in the application.
- 4a) Of the above claim(s) 10-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 13-28 are pending.
2. Amendment filed 07/28/2005 has been received and considered.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on applications filed in Japan on 09/29/200 and 05/30/2001. It is noted, however, that applicant has not filed a certified copy of the 2000-299305 and 2001-161754 applications as required by 35 U.S.C. 119(b).

Drawings

4. The drawings were received on 07/28/2005. These drawings are acceptable.

Specification

5. The disclosure is objected to because of the following informalities: on pages 4-5, 10 "Message Authentication Cord" should read "Message Authentication Code" and on page 6 line 16 "real-tim-chech" should read "real-time-check".

Appropriate correction is required.

Art Unit: 2137

6. The abstract of the disclosure is objected to because it is longer than the maximum 150 words. Correction is required. See MPEP § 608.01(b).

Claim Objections

7. Claims 13-17 are objected to because of the following informalities: claim 13: line 10 "no illegally" should be "not illegally".

Any claim not specifically address is objected to by virtue of its dependency.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott (US 20010044820), further in view of Groshon et al (US 6351811), further in view of Bianco (EP 0467239) and further in view of Blickenstaff et al (US 5537585).

Art Unit: 2137

As per claim 13, Scott discloses a public-web-server computer retaining safe-web-files encoded from usual original web-contents including one or more kinds of static file and one or more kinds of dynamic file, and providing HTTP web server functions; a private-web-server computer which retains said original usual web-content and connects said public-web-server computer through means for avoiding illegal access; a recoverable means for encrypting said web-content to create said safe-web-file on said private-web-server computer, wherein when said safe-web-file is illegally altered as checked by real-time-check technique on said public-web-server, said altered safe-web-file is restored from said private-web-server (see figures 5 and 6; paragraphs 41-44, 47).

However, Groshon et al teaches means for authentication checking, decrypting and sending a safe-web-file, wherein when a web visitor's request is received, said public-web-server computer checks said safe-web-file that if said safe-web-file is not illegally altered, deleted or replaced, said public-web-server computer sends back said web-content decrypted from said safe-web-file to said web visitor with http or other protocol; the use of a firewall and the use of servers (see column 4 line 47 through column 5 line 9).

Art Unit: 2137

At the time of the invention it would have been obvious to one of ordinary skill in the art to use the protection system of Groshon et al with Scott.

Motivation to do so would have been to provide protection to the server.

The modified Scott and Groshon et al system fails to disclose the encoding being encryption and the recovery being automatic.

However, Bianco teaches encryption (see Abstract) and Blickenstaff et al teaches automatic recovery system (see column 3 lines 22-44).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Bianco's encryption and Blickenstaff et al's automatic recovery system in the protection system of Scott and Groshon et al.

Motivation to do so would have been protect the files from unauthorized modification (see Abstract) and to provide disaster recovery (see column 3 lines 22-44).

As per claim 14, the modified Scott, Groshon et al, Bianco, and Blickenstaff et al system discloses chaos encryption (see Abstract of Bianco).

As per claim 15, the modified Scott, Groshon et al, Bianco, and Blickenstaff et al system discloses a real-time-check module

Art Unit: 2137

used on said public-web-server computer for linking to a decryption module of said authentication check means to said web server, wherein said decryption module is able to be controlled by events of request received from said web visitor though http protocol (see Scott and Groshon as applied above).

10. Claims 16-28 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Scott, Groshon et al, Bianco, and Blickenstaff et al system as applied to claim 1 above, further in view of Menezes et al (Handbook of Applied Cryptography) and further in view of Thomson (US 5276874).

As per independent claims 18 and 22, the modified Groshon et al, Bianco, and Blickenstaff et al system discloses the limitations as in claim 13, but fails to disclose the files further including a header which includes a MAC and properties including name, size, date, and location.

However, Thomson teaches a header with the claimed properties (see column 2 lines 23-34) and Menezes et al teaches a MAC (see page 323).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Thomson's header in the modified prevention system of Scott, Groshon et al, Bianco, and Blickenstaff et al and to include Menezes et al's MAC using

Art Unit: 2137

the Chaos encryption key as the key in Menezes et al's MAC in the header.

Motivation to do so would have been to store information relating to a file and to ensure the integrity of the file.

Claims 19-20, 23-24, 27 are similarly rejected as to claims above.

As per claims 16-17, 25-26, Menezes discloses the use of DES (see page 250).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the encryption scheme to be DES.

Motivation to do so would have been that it is recognized worldwide.

As per claims 21 and 28, Menezes discloses the use of MD5 (see page 250).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the MAC to be MD5.

Motivation to do so would have been that it has widespread use.

Response to Arguments

11. Applicant's arguments with respect to claims 13-28 have been considered but are moot in view of the new ground(s) of rejection.

12. The declaration under 37 CFR 1.132 filed 07/28/2005 is insufficient to overcome the rejection of claims 13-28 based upon obviousness under 35 USC 103 as set forth in the last Office action because: the declaration only shows success at one specific venue. An award does not constitute commercial success, a valid 132 declaration must show that this invention is being widely sold and used.

13. A request under 37 CFR 1.48(a) is being made to correct the inventorship of JP 2001-161754, which the instant application claims priority, because the inventor list on the Japanese application is Ko Shinu and the inventor listed in the instant application is Zhenyu Gao. If this is not corrected the Japanese application would qualify as evidence for a rejection under 35 USC 102(f).

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

Art Unit: 2137

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER